

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

-vs-

CHARLES HARRISON BARBEE,

Plaintiff,

Defendant.

Case No. 2:96-CR-0258-WFN-1

CRIMINAL MINUTES

DATE: DECEMBER 20, 2022

LOCATION: SPOKANE

RESENTENCING HEARING

Hon. Wm. Fremming Nielsen

Joanna L. Knutson Courtroom Deputy	Jon T. Burtard Law Clerk	Ronelle F. Corbey Court Reporter
Joseph H. Harrington Government Counsel	Mark E. Vovos Defense Counsel	
United States Probation Officer: Shawn D. Kennicutt for Sean E. Carter		

Open Court

Chambers

Telecon

Defendant present in custody of United States Marshal with appointed counsel. Initial comments by the Court briefly noting two issues pending before the Court, Defendant's Motion for Compassionate Release, and resentencing. The Court will address the Motion first.

Court briefly summarized the procedural history of Defendant's past motions for compassionate release; noted Defendant asserts good time can be added to the 26 years he has served which would total 30 years which is the statutory requirement. Further, the Court noted the second issue is whether Defendant has exhausted his remedies.

Argument in support of Defendant's Motion presented by Mr. Vovos. Court inquired of Mr. Vovos who responded. Mr. Harrington presented argument in opposition to the Motion and responded to inquiry by the Court. Mr. Vovos addressed the Court in response to Mr. Harrington's argument. Court GRANTED defense counsel's oral motion to accept the documents filed under seal yesterday. Discussion ensued between Court and both counsel regarding Defendant's filing yesterday. While the Court's copies of defense counsel's filings were located, the Court moved onto resentencing issues.

The Court confirmed with Mr. Harrington that the Government had no objections to the updated PSR and SUSTAINED Defendant's sole objection.

The Court queried the Defendant if he had the opportunity to review the updated PSR. Defendant indicated he discussed the updated PSR with counsel but did not read it word for word. Court inquired whether the Defendant would like to take a recess to allow him to review the full updated PSR. After discussion with counsel off the record, the Defendant advised he declined to review the full document but confirmed the Court gave him the opportunity to do so. The Court determined the applicable Guideline range.

Mr. Vovos addressed the Court with his recommendation for resolution. Defendant's son, Chris Barbee, and daughter, Jessica Barbee, addressed the Court in support of the Defendant. Mr. Harrington addressed the Court with his recommendation for resolution. Defendant addressed the Court on his own behalf.

For the reasons stated on the record, the Court DENIED Defendant's Motion for Compassionate Release.

CONVENED: 9:12 A.M.

ADJOURNED: 10:49 A.M.

TIME: 1:37 HR.

CALENDARED [N/A]

Imprisonment:	480 Months Total , with credit for any time served: Following Counts all <u>concurrent</u> to one another: 60 Months—Counts 1, 2s, 4s, 6s, 8s, 10, 11, and 12 Following Counts <u>consecutive</u> to each other and all other Counts: 360 Months—Count 5s 60 Months—Count 9s
Supervised Release:	5 Years Total 3 Years each as to Counts 1, 2s, 6s, 9s, 10, 11, and 12 5 Years each as to Counts 4s, 5s, and 8s With mandatory, standard, plus the following special conditions: <ul style="list-style-type: none">• Full financial disclosure to Probation Officer as requested• Do not incur any new debt, open lines of credit or enter into any financial contracts without advance Probation Officer approval• Search of person, vehicle, and residence• Abstain from controlled substances, including marijuana• Cooperate in the collection of DNA as directed by Probation Officer
Fine:	Waived
Restitution:	\$214,340.83 (less any previous payments) – Inmate Financial Responsibility Program Joint and several with Verne Jay Merrell, 2:96-CR-0257-WFN-1; Robert Sherman Berry, 2:96-CR-0259-WFN-1; and Brian Ratigan, 2:97-CR-0066-WFN-1
Special Assessment:	\$850 Total (\$50 each as to Counts 2s, 4s and 5s; \$100 each as to Counts 1, 6s, 8s, 9s, 10, 11, and 12) – Inmate Financial Responsibility Program

Appeal rights given.

Additional discussion regarding defense counsel's filing under seal yesterday. Court staff confirmed the attachment to yesterday's filing is the email defense counsel was referring to.